

# EXHIBIT K

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

In Re: Oral Phenylephrine Marketing  
and Sales Practices Litigation

Case No.: 1:23-md-03089-BMC

This Document Relates To:  
ALL ACTIONS

**DECLARATION OF JASON P. SULTZER TO SERVE AS A MEMBER OF THE  
PLAINTIFFS' EXECUTIVE COMMITTEE**

I, Jason P. Sultzer, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an attorney duly admitted before this Court. I am the founding partner of The Sultzer Law Group P.C. I submit this declaration in support of the application submitted by the Consensus Plaintiffs and to support my appointment as a member of the Plaintiffs' Executive Committee pursuant to Federal Rule of Civil Procedure 23(g). Each of the facts set forth below is true and correct with my personal knowledge and if called and sworn as a witness, I would competently testify thereto.

2. I respectfully contend that I would make a valuable addition to the Plaintiffs' Executive Committee. In the paragraphs below, I detail the extensive experience my firm and I possess related to consumer class actions touching on issues similar to those which counsel will face in this litigation, including matters before Your Honor. Beyond experience alone, I believe my record demonstrates that I can bring to the table the practical, results-based approach which has been the bedrock of The Sultzer Law Group P.C. since its founding more than ten years ago. Complex matters such as these require skills which transcend typical litigation and trial tasks.

Equally as important is the ability to organize, build consensus and develop a clear path to resolution, which can often be difficult to charter among the cacophony of a highly publicized and fiercely defended litigation. This necessarily requires the leveraging of strong, trust-based relationships with defense counsel, which can only be developed over many years. I believe I can bring these skills and qualities to the Plaintiffs' Executive Committee, to ensure the class receives the best possible representation, by counsel dedicated to maximizing class recovery while minimizing litigation expenses.

3. My firm and I have already devoted significant time and effort to furthering this litigation. Once the FDA issued its findings concerning the ineffective nature of phenylephrine, we began the process of interviewing potential plaintiffs and evaluating the possible legal recourse against the entities involved in the manufacture and sale of consumer products containing phenylephrine. This involved significant background scientific research as well as legal research on the issues likely to determine the viability of the claims to be asserted. We investigated the background of each potential defendant to determine their roles in the manufacture, distribution and sale of products containing phenylephrine. We also reviewed the marketing and labeling for each relevant product. Very early in the process, we commenced discussions with other law firms who we anticipated would be interested in pursuing claims on behalf of the class – many of which are now a part of the Consensus Leadership Group. We have also identified and consulted potential expert witnesses. Moreover, my firm was among the first law firms in the country to file lawsuits against the major manufacturers of the products at issue.<sup>1</sup> To that end, the time, expense

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<sup>1</sup> We filed the following matters, which have now been transferred into this multidistrict proceeding: *Rourk v. Haleon, PLC*, District of New Jersey Docket Number 3:23-cv-20478; *Kleinman v. Bayer Health Care, LLC*, District of New Jersey Docket No. 2:23-cv-20480; *Lawrence v. Johnson & Johnson Consumer, Inc.*, District of New Jersey Docket No. 3:23-cv-20551; *Striegel v. RB Health (US), LLC*, District of New Jersey Docket No. 2:23-cv-20552; *McWhite-York v. Johnson & Johnson Consumer, Inc.*, District of New Jersey Docket No. 3:23-cv-20379; *Joyner v. Johnson & Johnson Consumer, Inc.*; District of New Jersey Docket No. 3:23-cv-20558.

and effort we have already committed, without any promise of recompense, should indicate the level of dedication we will bring if appointed to the Plaintiffs' Executive Committee.

4. Our firm has developed a reputation for handling matters in an efficient and cost-effective manner, as this Court recently recognized in the *Bangoura* benzene contamination class action case. *See Bangoura v. Beiersdorf, Inc.*, Docket No. 22:cv-00291-BMC (E.D.N.Y.) (Your Honor observed during the final approval hearing “that the fact that I'm looking at 2022 index number on this case is, in itself, a testament to the efficiency of plaintiffs' counsel's efforts.”). Our firm also litigated the matter *Luib v. Henkel Consumer Goods Inc.*, Case No. 17-cv-03021 (E.D.N.Y.) before Your Honor. In that case after defeating defendant's motion for summary judgment, we were able to reach a favorable class-wide resolution prior to the class certification phase, minimizing litigation costs and delays for class recovery. The pragmatic approach employed by our firm will serve to benefit the class and ensure a maximum recovery for class members in the instant matter.

5. The Sultz Law Group P.C. has been particularly active within the Second Circuit and has created extensive case law and obtained significant class-wide settlements in this Circuit in false advertising and mislabeling class actions involving all types of products and frauds. Courts in this Circuit have recognized The Sultz Law Group P.C.'s significant experience with regards to its class action practice. *See Patora v. Tarte, Inc.*, Case No. 18-cv-11760-KMK (SDNY), (Judge Kenneth M. Karas stated that “[t]he plaintiff here was ably represented by class counsel, who is clearly well-versed in complex class action litigation. I can speak from personal experience dealing with The Sultz Firm, which has many highly qualified and capable and experienced lawyers representing plaintiffs in consumer class actions. . .”). *See also Shiv Patel v. St. John's University*, Case No. 1:20-cv-02114 (EDNY) (Judge Steven Gold observed that, “The firms’ expertise and

competency in the class action context are reflected by the favorable outcomes they have obtained in previous suits... particularly in light of their impressive record.”); *Griffin, Anthony, et al., v. Aldi, Inc., Doe Defendants 1-10*, Case No. 16-cv-00354 (N.D.N.Y.) (Judge Lawrence E. Kahn stated that “The quality of the representation also supports the award. Plaintiffs’ Counsel have worked diligently and are experienced and well-versed in wage and hour cases and class actions.”); *Susan Swetz et al v. GSK Consumer Health, Inc.*, Case No. 7:20-cv-04731 (SDNY) (Judge Nelson S. Román stated that “Class Counsel have prosecuted the Litigation with skill, perseverance, and diligence, as reflected by the Settlement Fund achieved and the positive reception of the Settlement Agreement by the Settlement Class.”); *Goldstein, Jason, et al. v. Henkel Corporation and Thriving Brands LLC*, Case No. 3:22-cv-00164-AWT (District of Connecticut) (During the final approval hearing, Judge Alvin W. Thompson stated that Plaintiff’s counsel including the Sultz Law Group were “experienced capable counsel” who did a “thorough job”).

6. The Sultz Law Group P.C. has extensive experience resolving consumer class-action matters both in the Second Circuit and nationwide. Recent Settled matters include:

- *In re Kia Engine Litigation.*, No. 8:17-cv-00838-JLS-JDE (C.D. Cal.) (served as co-lead counsel in an automobile defect case and reached a nationwide settlement valued at approximately \$1.3 billion on behalf of owners and lessees of certain Hyundai and Kia vehicles)
- *Foster, Andrew Tyler et al. v. L-3 Communications EOTEC, Inc., et al.*, Case No. 15-cv-03519 (W.D. Mo.) (served as co-lead counsel and obtained more than \$50 million dollars in monetary relief for consumers who purchased falsely advertised holographic weapons sights)
- *Griffin, Anthony, et al., v. Aldi, Inc., Doe Defendants 1-10*, Case No. 16-cv-00354 (N.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$9.8 million on behalf of a national and NY class of employees who were not paid for all of the hours they worked and who did not receive appropriate overtime under federal and NY law)
- *Arrendondo, Brianna v. The University of La Verne*, Case No. 2:20-cv-07665 (C.D.C.A.) (served as co-lead counsel and obtained a settlement fund of \$8,895,759.00 on behalf of college students who paid tuition for in person classes during the COVID pandemic)
- *Susan Swetz, et al. v. GSK Consumer Health, Inc.*, Case No. 7:20-cv-04731 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$6.5 million and injunctive

relief in the form of label modifications on behalf of a national class of consumers who purchased dietary supplements alleged to have been deceptively labeled)

- *Run Them Sweet, LLC v. CPA Global, Ltd., et al.*, Case No. 1:16-cv-1347 (E.D. VA.) (served as co-lead counsel and obtained a settlement fund of \$5.6 million on behalf of consumers who were overcharged with respect to foreign patent renewal services)
- *Davenport, Sumner, et al. v. Discover Financial Services, et al.*, Case No. 15-cv-06052 (N.D. Ill) (served as co-lead counsel and obtained a settlement fund of \$5.6 million for victims of violations of the Telephone Consumer Protection Act)
- *Rapoport-Hecht, Tziva et al. v. Seventh Generation, Inc.*, Case No. 14-cv-9087 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$4.5 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cleaning products alleged to have been deceptively labeled)
- *Delcid, Otto, et al. v. TCP HOT ACQUISITION LLC and IDELLE LABS, LTD.*, Case No. 21-cv-9569 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$3.65 million on behalf of a national class of consumers who purchased antiperspirant/deodorant products alleged to have been contaminated with benzene)
- *Schmitt, et al. v. Yunique, LLC*, No. 8:17-cv-01397-JVS-JDE (C.D. Cal.), (served as co-lead counsel and obtained a settlement fund of \$3.25 million and injunctive relief in the form of label modifications on behalf of consumers in a case involving allegedly deceptive labeling of consumer products)
- *Staubus, Steven, et al. v. Regents of University of Minnesota, et al.*, No. 27-cv-20-8546 (State of Minnesota District Court, Hennepin County) (served as co-lead counsel and obtained a settlement fund of \$3.25 million on behalf of college students who paid tuition for in person classes during the COVID pandemic)
- *Vincent, Wesley, et al. v. People Against Dirty, PBC. and Method Products, PBC.*, Case No. 7:16-cv-06936 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$2.8 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cleaning products alleged to have been deceptively labeled)
- *Porter, Ryan, et al., v. Emerson College*, Case No. 1:20-cv-11897 (District of Massachusetts) (served as co-lead counsel and obtained a settlement fund of \$2.06 million on behalf of college students who paid tuition for in person classes during the COVID pandemic)
- *Bangoura, Almany Ismael, et al. v. Beiersdorf, Inc. and Bayer Healthcare, LLC*, Case No. 1:22-cv-00291-BMC (E.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$2.3 million on behalf of a national class of consumers who purchased sunscreen products alleged to have been contaminated with benzene)
- *Mayhew, Tanya, et al., v. KAS Direct, LLC and S.C. Johnson & Son, Inc.*, Case No. 16-cv-6981 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$2.2 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased baby products alleged to have been deceptively labeled)
- *Goldstein, Jason, et al. v. Henkel Corporation and Thriving Brands LLC*, Case No. 3:22-cv-00164-AWT (District of Connecticut) (served as co-lead counsel and obtained a

settlement fund of \$1.95 million on behalf of a national class of consumers who purchased antiperspirant/deodorant products alleged to have been contaminated with benzene)

- *Patora v. Tarte, Inc.*, Case No. 7:18-cv-11760-KMK (S.D.N.Y.) (served as lead counsel and obtained a settlement fund of \$1.7 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cosmetic products alleged to have been deceptively labeled)
- *Starke v. Stanley Black & Decker, Inc.*, Case No. C-03—CV-21-001091(Md. Cir. Ct., Baltimore County) (served as lead counsel and obtained settlement of \$1.6 million and injunctive relief in the form of label and website modifications on behalf of a national class of consumers who purchased drill bits alleged to have been deceptively advertised)
- *Luib, Tony, et al., v. Henkel Consumer Goods Inc.*, Case No. 17-cv-03021 (E.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$1.5 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cleaning products alleged to have been deceptively labeled)

7. Since its founding in 2013, The Sultz Law Group P.C. has been recognized by the media and its peers with numerous accolades. The firm is included in Martindale-Hubbell's Bar Register of Preeminent Lawyers for its class action practice. The firm's attorneys have contributed to or been featured in various well-known publications regarding their class action practice, including: Law360, The New York Times, CNBC News, Reuters, Bloomberg News, and the New York Post. The Sultz Law Group P.C. was named the best nationwide civil dispute firm in the U.S. Business News Legal Elite Awards in 2020 and a Best Law Firm by the American Institute of Trial Lawyers in 2022.

8. As the firm's founding partner, I have earned selection as a Senior Fellow of the Litigation Counsel of America (LCA), recognizing the country's top trial attorneys, and am a member of their Trial Law and Diversity Institute. I have also been recognized as a Super Lawyer for the last ten years and was selected for Lawdragon's list of 500 Leading Plaintiff Financial Lawyers for 2019, 2020, 2021 and 2023. For a full list of my accomplishments, see our firm resume attached as Exhibit A.

9. Given my substantial experience with class-actions within this District and this Circuit, I am intimately familiar with the local rules, practices and procedures. My extensive experience litigating consumer class-actions in this Circuit makes The Sultzer Law Group P.C. well-qualified to serve on the Executive Committee.

10. In addition to class-actions, I also have significant trial experience as demonstrated by my receipt of the Litigation Counsel of America's Honorary Order of Juris (consisting of attorneys who have tried fifty or more bench or jury trials to verdict). My deep trial experience gives me the unique ability to streamline discovery and avoid needless disputes that waste party and court resources.

11. If appointed as a member of the Plaintiffs' Executive Committee, I will be working with my partners Philip J. Furia and Jeremy Francis. Both Mr. Furia and Mr. Francis are highly experienced litigators, who are adept at all phases of class action practice. They will be invaluable resources to the team, particularly with regard to pre-trial discovery matters.

12. Pursuant to Sections 10.22 and 40.1 of the *Manual for Complex Litigation* (4th ed.), Courts refer to certain factors in evaluating applications to appoint lawyers to leadership positions in these matters. This includes (1) willingness and ability to commit to a time-consuming process; (2) ability to work cooperatively with others; (3) professional experience in this type of litigation; and (4) access to sufficient resources to advance the litigation in a timely manner. My application satisfies each of these factors and, to that end, I affirm the following facts to be true.

- a. I have the willingness and ability to commit to this matter, which I know will be time-consuming. I am prepared to commit my time and my firm's time to the zealous litigation of this matter on behalf of the class.



- b. My firm and I have a long history of working well with other firms in both the context of serving on leadership positions in MDL committees as well as resolving discovery disputes and settlement negotiations both on the plaintiff and defense side. The respect we have earned among members of the bar has enabled us to both partner with nearly all of the most respected plaintiff-side firms in the country and to settle hard-fought litigations with the preeminent firms representing defendants. Our decision to join in this Consensus Plaintiffs' application further demonstrates our ability to work cooperatively to advance the interests of the class.
- c. As demonstrated above, our firm has handled many complex consumer class action matters and has been recognized by Courts throughout this Circuit for our experience, professionalism and effectiveness.
- d. Our firm has the resources needed to advance this litigation. We are prepared to devote both the manpower and financial resources required by this case. Our firm is and always has been fully self-funded and has no arrangements with third-party funders.

13. Based on the foregoing, I respectfully request this Court grant the Consensus Plaintiffs' application and appoint me to serve as a member of the Plaintiffs' Executive Committee.

Dated: January 21, 2024

/s/ Jason P. Sultzer  
JASON P. SULTZER  
COUNSEL FOR PLAINTIFF

# EXHIBIT 1



*A Complex Litigation & Trial Practice*

NEW YORK | PENNSYLVANIA | NEW JERSEY

The Sultzer Law Group, P.C. focuses on consumer class actions and other complex civil litigation. The firm is headquartered in Poughkeepsie, New York, and maintains offices in New York City, New Jersey, and Pennsylvania. Since its founding in 2013, The Sultzer Law Group, P.C. has served as lead counsel in numerous high-profile consumer class action cases and has obtained over a billion dollars in class settlements on behalf of consumers throughout the country. The firm is included in Martindale-Hubbell's Bar Register of Preeminent Lawyers for its class action practice. All of the partners in the firm are AV rated by Martindale-Hubbell and have been selected as Super Lawyers. In addition, they have also been selected as the American Law Media's Mass Tort Lawyers of the Year. The firm's founding partner, Mr. Sultzer, has earned selection as a Senior Fellow of the Litigation Counsel of America (LCA), recognizing the country's top trial attorneys, and is a member of their Trial Law and Diversity Institute. Mr. Sultzer has also been named in Lawdragon's list of 500 Leading Plaintiff Financial Lawyers for 2019, 2020, 2021 and 2023. The firm's attorneys have contributed to or been featured in various well-known publications regarding their class action practice, including: *Law360*, *Inside Counsel Magazine*, *Risk Management Magazine*, *CNBC News*, *Reuters*, *Bloomberg News*, the *New York Post* and *The New York Times*. The Sultzer Law Group was named the best nationwide civil dispute firm in the U.S. Business News Legal Elite Awards in 2020. More detail about the firm, its practice areas, and its attorneys appear on its website: [www.thesultzerlawgroup.com](http://www.thesultzerlawgroup.com).

## **I. Class Action Litigation Experience**

Attorneys at The Sultzer Law Group, P.C. have advocated for consumers' and workers' rights, successfully challenging some of the nation's largest and most powerful corporations for a variety of improper, unfair, and deceptive business practices in a wide range of industries including, the auto, financial, cosmetic, food, and supplement industries. Through our efforts, we have recovered significant benefits for our consumer clients. Moreover, courts throughout the country have recognized The Sultzer Law Group's significant experience with regards to its class action practice. *See Patora v. Tarte, Inc.*, Case No. 18-cv-11760-KMK (S.D.N.Y.), (Judge Kenneth M. Karas stated that "[t]he plaintiff here was ably represented by class counsel, who is clearly well-versed in complex class action litigation. I can speak from personal experience dealing with The Sultzer Firm, which has many highly-qualified and capable and experienced lawyers representing plaintiffs in consumer class actions. . ."); *see also Shiv Patel v. St. John's University*, Case No. 1:20-cv-02114 (E.D.N.Y.) (Judge Steven Gold observed that, "The firms' expertise and competency in the class action context are reflected by the favorable outcomes they have obtained in previous suits... particularly in light of their impressive record."); *Griffin, Anthony, et al., v. Aldi, Inc., Doe Defendants 1-10*, Case No. 16-cv-00354 (N.D.N.Y.) (Judge Lawrence E. Kahn stated that "The quality of the representation also supports the award. Plaintiffs' Counsel have worked diligently and are experienced and well-versed in wage and hour cases and class actions."); *Susan Swetz et al v. GSK Consumer Health, Inc.*, Case No. 7:20-cv-04731 (S.D.N.Y.) (Judge Román stated that "Class Counsel have prosecuted the Litigation with skill, perseverance, and diligence, as reflected by the Settlement Fund achieved and the positive reception of the Settlement

Agreement by the Settlement Class.”); *Arredondo v. University of La Verne*, Case No. 2:20-cv-07665 (C.D. Cal.) (Judge Mark C. Scarsi stated “Counsel also has a wealth of experience handling class actions. . . Counsel has demonstrated strong knowledge of the applicable law throughout the briefing process for this class certification motion. And finally, counsel has demonstrated it will commit sufficient resources to represent the class in this heavily litigated case.”)

Recent Settled matters include:

- *In re Kia Engine Litigation.*, No. 8:17-cv-00838-JLS-JDE (C.D. Cal.) (served as co-lead counsel in an automobile defect case and reached a nationwide settlement valued at \$1.3 billion on behalf of owners and lessees of certain Hyundai and Kia vehicles)
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- *Run Them Sweet, LLC v. CPA Global, Ltd., et al*, Case No. 1:16-cv-1347 (E.D. VA.) (served as co-lead counsel and obtained a settlement fund of \$5.6 million on behalf of consumers who were overcharged with respect to foreign patent renewal services)
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- *Rapoport-Hecht, Tziva et al. v. Seventh Generation, Inc.*, Case No. 14-cv-9087 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$4.5 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cleaning products alleged to have been deceptively labeled)
- *Delcid, Otto, et al. v. TCP HOT ACQUISITION LLC and IDELLE LABS, LTD.*, Case No. 21-cv-9569 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$3.65 million on behalf of a national class of consumers who purchased antiperspirant/deodorant products alleged to have been contaminated with benzene)
- *Schmitt, et al. v. Younique, LLC*, No. 8:17-cv-01397-JVS-JDE (C.D. Cal.), (served as co-lead counsel and obtained a settlement fund of \$3.25 million and injunctive relief in the form of label modifications on behalf of consumers in a case involving allegedly deceptive labeling of consumer products)

- *Staubus, Steven, et al. v. Regent of University of Minnesota, et al.*, No. 27-cv-20-8546 (State of Minnesota District Court, Hennepin County) (served as co-lead counsel and obtained a settlement fund of \$3.25 million on behalf of college students who paid tuition for in person classes during the COVID pandemic)
- *Vincent, Wesley, et al. v. People Against Dirty, PBC. and Method Products, PBC.*, Case No. 7:16-cv-06936 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$2.8 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cleaning products alleged to have been deceptively labeled)
- *Porter, Ryan, et al., v. Emerson College*, Case No. 1:20-cv-11897 (District of Massachusetts) (served as co-lead counsel and obtained a settlement fund of \$2.06 million on behalf of college students who paid tuition for in person classes during the COVID pandemic)
- *Bangoura, Almany Ismael, et al. v. Beiersdorf, Inc. and Bayer Healthcare, LLC*, Case No. 1:22-cv-00291-BMC (E.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$2.3 million on behalf of a national class of consumers who purchased sunscreen products alleged to have been contaminated with benzene)
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- *Goldstein, Jason, et al. v. Henkel Corporation and Thriving Brands LLC*, Case No. 3:22-cv-00164-AWT (District of Connecticut) (served as co-lead counsel and obtained a settlement fund of \$1.95 million on behalf of a national class of consumers who purchased antiperspirant/deodorant products alleged to have been contaminated with benzene)
- *Patora v. Tarte, Inc.*, Case No. 7:18-cv-11760-KMK (S.D.N.Y.) (served as lead counsel and obtained a settlement fund of \$1.7 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cosmetic products alleged to have been deceptively labeled)
- *Starke v. Stanley Black & Decker, Inc.*, Case No. C-03—CV-21-001091 (Md. Cir. Ct., Baltimore County) (served as lead counsel and obtained settlement of \$1.6 million and injunctive relief in the form of label and website modifications on behalf of a national class of consumers who purchased drill bits alleged to have been deceptively advertised)
- *Luib, Tony, et al., v. Henkel Consumer Goods Inc.*, Case No. 17-cv-03021 (E.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$1.5 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cleaning products alleged to have been deceptively labeled)
- *Georgette Santa Maria, et al. v. Hyatt Equities LLC, et al.*, No. 2018-51928 (Dutchess County Supreme Court) (served as co-lead counsel and obtained a settlement fund on behalf of a national and NY class of employees who were not paid for all of the hours they worked and who did not receive appropriate overtime under federal and NY law)
- *Baumgarten v. Cleanwell, LLC*, Case No. 1:16-cv-01780 (E.D.N.Y.) (served as lead counsel and obtained injunctive relief in the form of label modifications on behalf of a

national class of consumers against a company that allegedly sold deceptively labeled products)

- *Nicotra, Jennifer et al. v. Babo Botanicals, LLC*, Case No. 16-cv-00296 (E.D.N.Y.) (served as lead counsel and obtained injunctive relief in the form of label modifications on behalf of a national class of consumers against a company that marketed skin and haircare products alleged to have been deceptively labeled)

## **II. Attorney Biographies**

### **Jason P. Sultzer**

Jason P. Sultzer is a nationally recognized trial lawyer and the founding partner of The Sultzer Law Group P.C. He represents clients throughout the United States in high profile litigations and has substantial experience in class actions, mass torts, business disputes, personal injury litigation, product liability, and intellectual property-related issues.

Over the last twenty-five years, Mr. Sultzer has successfully defended and prosecuted nationally recognized companies in highly publicized class action lawsuits in state and federal courts, including proceedings before the Judicial Panel on Multidistrict Litigation. These class actions involved a wide variety of matters, including unfair competition, breach of warranty, product-related issues, employment discrimination, civil rights, overtime wages, the Fair Debt Collection Practices Act, abusive mortgage lending practices, The Telephone Consumer Protection Act, and consumer protection statutes of nearly all fifty states. Mr. Sultzer has been appointed as lead counsel in a number of class action lawsuits in which he has recovered millions of dollars and obtained injunctive relief on behalf of aggrieved consumers nationwide in cases involving fraudulent representations of various products, supplements, foods, and automobiles. In his capacity as lead counsel courts have referred to Mr. Sultzer's credentials as nothing short of sterling.

Mr. Sultzer is a frequent author and lecturer about class action lawsuits and has been quoted in national publications concerning the Class Action Fairness Act and class action settlements.

Mr. Sultzer has received the Martindale-Hubbell AV rating, indicating that his legal peers rank him at the highest level of professional excellence. He was also named as a "Mass Tort Lawyer of the Year" by American Law Media, has been recognized as a Super Lawyer for the last ten years, and was selected for Lawdragon's list of 500 Leading Plaintiff Financial Lawyers for 2019, 2020, 2021 and 2023. Mr. Sultzer, was also featured on the front cover of the Wall Street Journal's Legal Leader's magazine in 2014 and 2015 designating him as one of New York's top rated lawyers. In addition, Mr. Sultzer has earned selection as a Senior Fellow of the Litigation Counsel of America (LCA), recognizing the country's top trial attorneys. The LCA is an invitation-only honorary society that is composed of less than one-half of one percent of American lawyers. Mr. Sultzer is also a member of the LCA's Trial Law and Diversity Institute and its Honorary Order of Juris (consisting of attorneys who have tried fifty or more bench or jury trials to verdict).

Prior to opening The Sultz Law Group P.C., Mr. Sultz was the youngest equity partner at one of the largest law firms in the country where he served as the co-chairman of its class action practice group. Earlier in his career, Mr. Sultz was in-house counsel for Owens Corning, a Fortune 500 Company, where he was involved in defending the company against tens of thousands of asbestos lawsuits throughout the country.

### **Joseph Lipari**

Joseph Lipari is a partner of The Sultz Law Group. Mr. Lipari has litigated in state and federal courts throughout the United States, and he has appeared before binding arbitration panels. He has achieved numerous successful outcomes as counsel for plaintiffs and defendants, including verdicts and settlements.

He has successfully represented businesses in complex suits arising out of high-profile, catastrophic events including: underground mining accidents in Alabama; steel mill explosions in Pennsylvania and Louisiana; and extended unplanned shutdowns and outages in mills, plants, and factories located across the United States and abroad.

Mr. Lipari was featured in *Law360* for a defense verdict he obtained on behalf of his manufacturer client. *See Moyer v. Siemens VAI Services and Signal Metal Industries, Inc.*, No. 2:11-cv-03185 (E.D. La.) (Louisiana jury found defendant was not liable for \$2.6 million wrongful death award following a deadly molten steel eruption allegedly linked to equipment designed by the company's predecessor).

Mr. Lipari has created significant caselaw in the field of consumer class actions. *See, e.g., Silva, Christopher et al. v. Smucker Natural Foods, Inc. and J.M. Smucker Co.*, 14-cv-6154 (E.D.N.Y.); *Sitt v. Nature's Bounty, Inc. et al.*, 15-cv-04199 (S.D.N.Y.).

He is admitted to the bars of New York, Pennsylvania, and New Jersey. He has also appeared as counsel, by way of *pro hac vice* admission, in over twenty states. Mr. Lipari has lectured and published on topics including trial strategy, patent disputes, hydrofracking in the Marcellus Shale, and risk management practices.

Mr. Lipari is a 2002 graduate of Seton Hall University School of Law. Before law school, he attended Officer Candidate School in Quantico, Virginia, and was offered a commission as Second Lieutenant in the United States Marine Corps.

Prior to joining The Sultz Law Group P.C., Mr. Lipari was a partner at a prominent national litigation firm. Earlier in his career, he was associated with one of the largest law firms in the country.

Mr. Lipari has received the Martindale-Hubbell AV rating, indicating that his legal peers rank him at the highest level of professional excellence. He was also named as a "Mass Tort Lawyer of the Year" by American Law Media, and has been recognized as a Super Lawyer.



## **Jeremy Francis**

Mr. Francis is a partner at The Sultz Law Group. His practice focuses on commercial litigation and consumer class actions. Mr. Francis has litigated in state courts and federal courts throughout the country on behalf of both plaintiffs and defendants and has taken both civil and criminal trials to verdict.

Mr. Francis has fought on behalf of plaintiffs in national class actions under various state consumer protection laws, the Telephone Consumer Protection Act, the Fair Labor Standards Act and the New York State Labor Law, including arguing a false advertising claim before the Ninth Circuit Court of Appeals. He has also represented corporate defendants in TCPA and wage and hour class actions, corporate contract disputes, FTC enforcement actions, as well as against various tort claims, including personal injury and asbestos litigation.

Prior to joining The Sultz Law Group, Mr. Francis was an Assistant District Attorney in the Kings County District Attorney's Office, where he prosecuted misdemeanor and felony cases, including driving while intoxicated, narcotics, gun possession, and assault. He tried close to a dozen cases and secured guilty verdicts in Kings County Criminal Court. Subsequently, Mr. Francis was associated with a prominent real estate litigation firm specializing in residential and commercial real estate disputes in New York City. There, Mr. Francis represented tenants, landlords, cooperative and condominium boards, and guarantors in breach of contract and tort litigations, as well as lenders and borrowers in disputes over multi-million dollar commercial real estate loans.

Mr. Francis interned for the Honorable Kiyo A. Matsumoto in the Eastern District of New York and gained experience drafting opinions concerning a wide range of federal issues. As an intern for the United States Attorney's Office in the Eastern District of New York, he played an integral role in securing convictions in a RICO murder re-trial involving complex issues of expert testimony admissibility.

Mr. Francis attended Yale University, where he graduated with honors in Political Science. He is a 2011 graduate of Vanderbilt University Law School, where he was an Articles Editor of the Vanderbilt Journal of Entertainment and Technology Law. His article, "The Kindle Controversy: An Economic Analysis of How the Amazon Kindle's Text-to-Speech Feature Violates Copyright Law" was published in the Fall of 2011.

## **Philip Furia**

Philip Furia is a partner at The Sultz Law Group.

Mr. Furia is a highly experienced litigator who has spent more than a decade obtaining outstanding results for his clients in courts throughout the country. He has handled high-stakes disputes and arbitration matters on behalf of plaintiffs and defendants, corporations and individuals. Mr. Furia's diverse experience has included cases involving breach of contract, fraud, real estate, intellectual property and consumer protection. When needed, he calls upon extensive experience as an appellate advocate, having briefed and argued many appeals.



Mr. Furia is a 2009 graduate of Seton Hall University School of Law. Prior to joining the firm, Mr. Furia was a partner at both a renowned litigation boutique and an AmLaw 100 firm.

### **Daniel Markowitz**

Daniel Markowitz is a partner at the Sultzer Law Group. He is an experienced litigator and class action attorney. Mr. Markowitz is known for developing strong client relationships centered around professionalism, clear communication, and dedication to understanding and fighting for the needs of his clients. He has represented clients on complex litigation in both federal and state court, including many high-profile cases involving prominent businesses. Representing plaintiffs, Mr. Markowitz has worked on class actions that resulted in settlements of over \$50,000,000.00.

Mr. Markowitz received recognition by being selected to the NY Metro Super Lawyers Rising Stars list each year from 2014-2019, and was selected to the NY Metro Super Lawyers list in 2020.

Mr. Markowitz graduated cum laude from NYU and went on to receive his law degree from St. John's University.

Prior to joining The Sultzer Law Group P.C., Mr. Markowitz began his career as in-house counsel. He then spent several years at a prominent litigation class action firm. He is admitted to practice in New York State, as well as the United States District Courts for the Southern and Eastern Districts of New York.